

(10)

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	James B. Moran	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	02 C 4394	DATE	6/2/2003
CASE TITLE	MCI WorldCom Network etc. Vs. Atlas Excavating, Inc.		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

Memorandum Opinion and Order

DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due _____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due _____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ Local Rule 41.1 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Opinion and Order. Defendant seeks to take far more than ten depositions. For now, its motion is denied. The motion to compel is granted.

- (11) ☒ [For further detail see order attached to the original minute order.]

No notices required, advised in open court.	60-7 FILED FOR DOCKETING 03 JUN -2 PM 5:19 U.S. District Court Date/time received in Central Clerk's Office	number of notices	Document Number 16
No notices required.		JUN 3 2003 date docketed	
Notices mailed by judge's staff.		WB docketing deputy initials	
Notified counsel by telephone.		date mailed notice	
<input checked="" type="checkbox"/> Docketing to mail notices.		mailing deputy initials	
Mail AO 450 form.			
Copy to judge/magistrate judge.			
WAH	courtroom deputy's initials		

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION


DOCKETED
JUN 3 2003

MCI WORLDCOM NETWORK SERVICES,)	
INC,)	
)	
Plaintiff,)	
)	
vs.)	No. 02 C 4394
)	
ATLAS EXCAVATING, INC.,)	
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

Defendant seeks to take far more than ten depositions. For now, its motion is denied. Perhaps more than ten will ultimately be necessary, but initial depositions may well demonstrate that many of the persons defendant seeks to depose know far less than those deposed and can add nothing to what defendant learns, and plaintiff may well disclaim any interest in having them appear at trial. Until discovery is more advanced we cannot know if more than ten depositions are appropriate and, if so, how many and who.

The motion to compel is granted. Defendant does not contend that its response would be overly burdensome, only that much of the information is irrelevant. That may well be so, but that cannot be determined without knowing what it is.


JAMES B. MORAN
Senior Judge, U. S. District Court

June 2, 2003.

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